

Amendments to the Drawings

The attached sheets of drawings, 2/4, 3/4, and 4/4, include changes to FIGS. 5, 6, 7, 8, and 11.

Sheet 2/4 replaces the original sheet 2/4. In FIG. 5, element 82 is redesignated as 76, and element 72 is redesignated as 78, and excess lines that incorrectly designate the inner ends of channels 114 as holes are deleted, all to conform to the specification.

Sheet 3/4 replaces original sheet 3/4. In FIGS. 6, 7, and 8 the previously omitted designation 60 has been added. In FIG. 8 the hatching direction of a portion of part 63 been reversed to clarify that the changed area is a portion of part 63, as shown in corresponding drawings (FIGS. 3 and 6).

Sheet 4/4 replaces original sheet 4/4. In FIG. 11 the previously omitted element 104 has been added, and excess lines that incorrectly designate the inner ends of channels 114 as holes are deleted to conform to the description in the specification.

Attachment: Replacement Sheets 2/4-4/4

Annotated Sheets 2/4-4/4 Showing Changes

Remarks/Arguments

Claims 1-28 of the application were rejected and remain for consideration by the Examiner.

Claim 21 is revised to correct typographical errors, making reference in appropriate locations in the claim to the second port through the housing and the second port through the plate. Such amendments are supported in the specification, among other places, at ¶ 11 and FIGS. 3 and 4.

FIGS. 5, 6, 7, 8, and 11 are revised to correct drafting errors, now placing such figures in conformance with the specification.

Claim Rejections – 35 USC § 103(a) – Mori in view of Hansson

The Examiner rejected claims 1-28 under 35 U.S.C. § 103(a) as being unpatentable over Mori, US Patent No. 6,553,119 ("Mori") in view of Hansson, US Patent No. 6,891,946 ("Hansson").

Applicant disagrees with the Examiner's assertion that the combination of Mori and Hansson render Applicant's invention obvious. In addition, however, the Examiner's basis for rejecting Applicant's claims under § 103 by asserting Hansson appears to be 35 U.S.C. § 102(e). Section 102(e) applies when the invention is described by "a patent granted on an application by another filed in the United States before the invention by the applicant for patent" If the Examiner's basis for asserting Hansson is § 102(e), Applicant's invention and Hansson presumptively fall within 35 U.S.C. § 103(c)(1), as they "were, at the time the invention was made, . . . subject to an obligation of assignment to the same person," which was Sony Ericsson Mobile Communica-

tions AB. Accordingly, Hansson cannot be cited as art against the Applicant's invention.

For completeness, the Examiner's comments with respect to Mori are addressed as follows.

1. Claims 1-10

The Examiner recites each of the elements of claim 1, except for the "at least one channel" element, and says that each of these elements are disclosed in Mori. Applicant respectfully disagrees with the Examiner's assertion. Among other things, there is no port through the front housing of Mori at all. Rather, the acoustic component (receiver) 7 of Mori is directly exposed to the decorative panel 8. Accordingly, there also cannot be in Mori, as required by Applicant's claim 1, at least one first port through the decorative panel 8 that is not axially aligned with the at least one first port through the front housing listening area.

The Examiner does not address the elements of claim 2, which include as two elements a second port through the front housing and a second port through the plate, not aligned with each other. As with the first port through the front housing, the second port through the front housing cannot exist in Mori, since the Mori receiver 7 is directly exposed to the decorative panel 8.

As recognized by the Examiner, Mori does not disclose the feature of at least one channel extending generally perpendicularly from the axis of and laterally between the at least one first port through the front housing listening area. In fact, Mori teaches

away from the possibility of having a channel, as there is no port through its front housing to form one end of the channel.

The Examiner does not address claims 3-10, and accordingly Applicant will not do so either other than to say that claims 2-10 depend either directly or indirectly from allowable claim 1 and incorporate all the limitations thereof, and are therefore allowable as well.

2. Claims 11-19

Similarly to claim 1, the Examiner asserts that Mori includes each element of claim 11 except for the "at least one channel." Mori does not, however, include first or second ports through its front housing as required by claim 11, as the Mori receiver 7 is directly exposed to the decorative panel 8. So, among other things, Mori does not teach, or even allow, ports through its front housing or a channel.

As Mori lacks ports through its front housing, the arrangement required by claim 12 is not possible, where at least one second port through the front housing must be axially aligned with the at least one central port through the bezel.

The Examiner rejects claims 13-17 based on being similar in scope to claims 11-12, referring to the same rationale. It is respectfully submitted that Mori cannot include a port through the first housing (claim 13), cannot include a channel (claim 14), does not teach or suggest a duct between the front housing and the bezel (claim 15), and does not teach or suggest a back housing that includes a partition (claim 19 – it is respectfully submitted that a back housing with a partition does not appear in the Mori text cited by the Examiner). Further, claims 13-19 depend either directly or indirectly from

allowable claim 11 and incorporate all the limitations thereof, and are therefore allowable as well.

3. Claims 20-25

The Examiner recites elements of the front housing and back housing as required by claim 20, asserting them to be taught by Mori. The Examiner recognizes that Mori does not include first means for transmitting sound to the ear-sealing region and second means for transmitting sound from within the ear-sealing region to the listening area outside of the ear-sealing region. The Examiner also notes that Mori does not disclose the "at least one channel" required by claim 20.

Claims 21-23 each require ports through the front housing, which cannot be included in Mori. Claim 25, like claim 19, requires a back housing that includes a partition, which is not disclosed in Mori. In addition, claims 21-25 either directly or indirectly depend from allowable claim 20 and incorporate all the limitations thereof, and are therefore allowable as well.

4. Claims 26-27

The Examiner asserts that the elements of claim 26 and 27 are disclosed by Mori, with the exception of transmitting sound through a channel from inside the enclosure and within the ear-sealing region to the listening area outside the ear-sealing region (claim 26), and transmitting sound through a port within the enclosure and the ear-sealing region to one end of the channel and transmitting sound from the other end of the channel through a port opening to the listening area and outside the ear-sealing region (claim 27). Mori cannot be combined with another reference to render claims 26 or

27 obvious, in that Mori cannot be modified to have ports within the enclosure, or channels.

5. Claim 28

The Examiner recites each of the elements of claim 28, except for the "providing at least one channel" element, and says that each of these elements are disclosed in Mori. Applicant respectfully disagrees with the Examiner's assertion. As previously discussed, among other things, there is no port through the front housing of Mori at all. Rather, the receiver 7 of Mori is directly exposed to the decorative panel 8. Accordingly, there also cannot be in Mori, as required by Applicant's claim 28, at least one first port through the decorative panel 8 that is not axially aligned with the at least one first port through the front housing listening area. Claim 28 also requires a "providing at least one channel" element, which cannot be provided by Mori or another reference in combination with Mori.

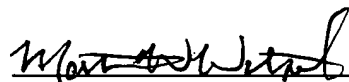
Appl. No.: 10/065,996
Amdt. dated July 8, 2005
Reply to Office Action of April 21, 2005

If the Examiner has any questions about the present Reply, a telephone interview is respectfully requested.

As the rejections entered by the Examiner in the Official Action dated April 21, 2005 have been shown to be inapplicable, reconsideration and allowance of claims 1-28, and passage of these claims to issue, is hereby respectfully requested.

Respectfully submitted,

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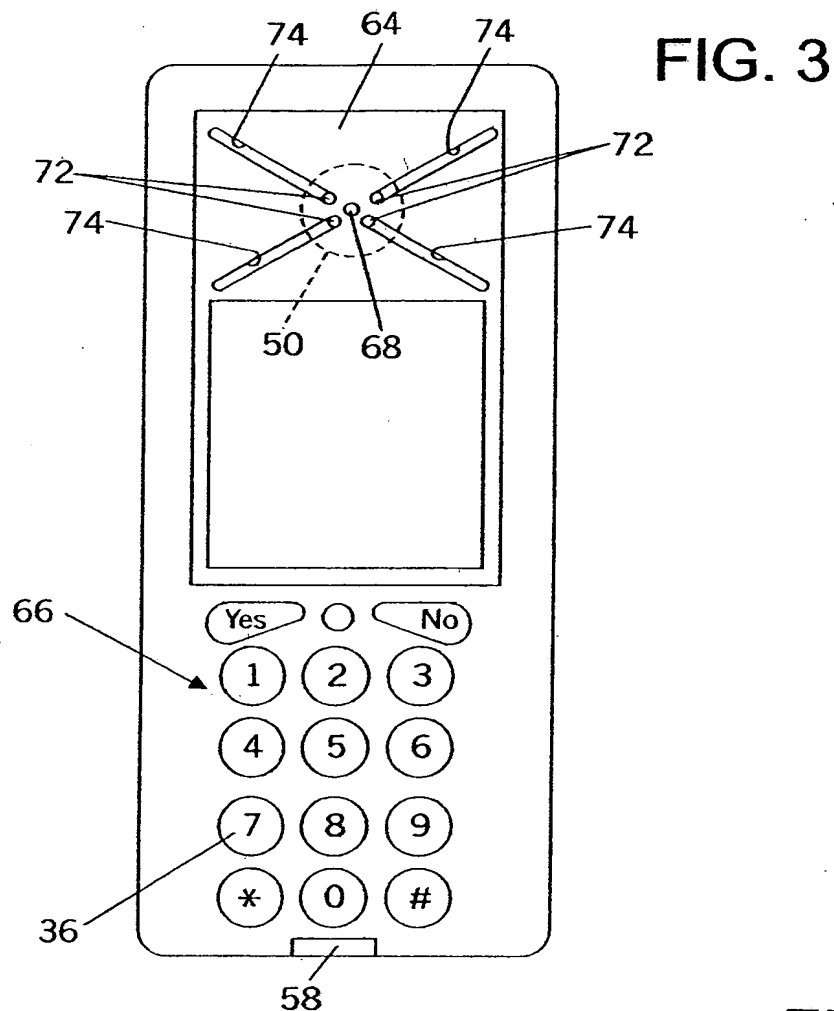


FIG. 4

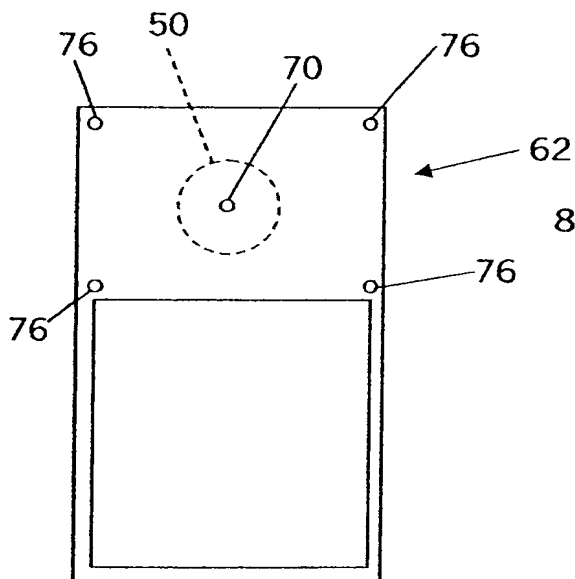


FIG. 5

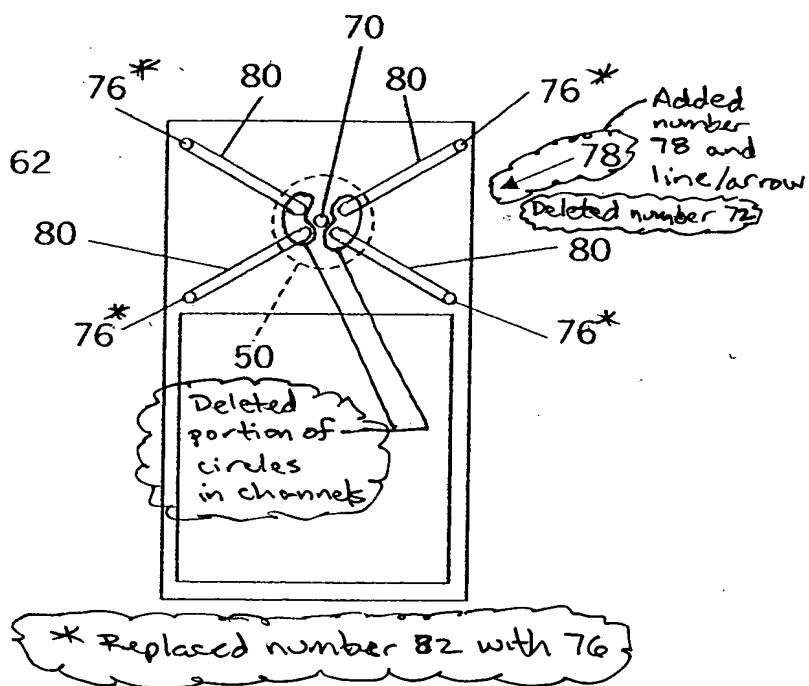




FIG. 6

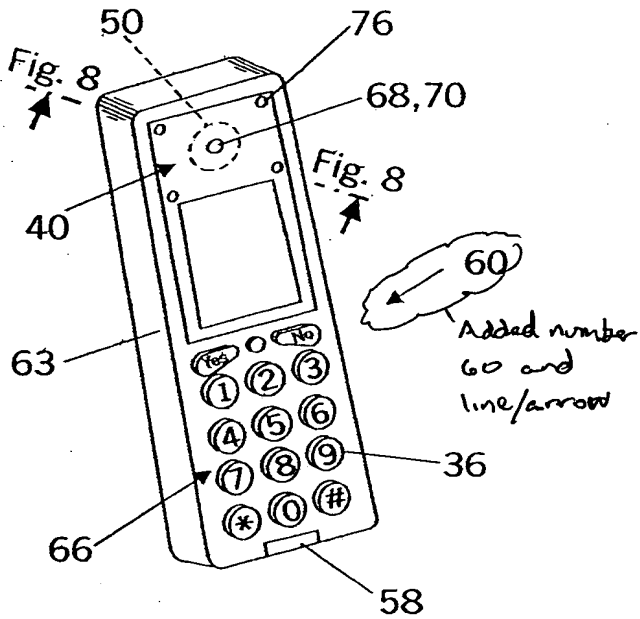


FIG. 7

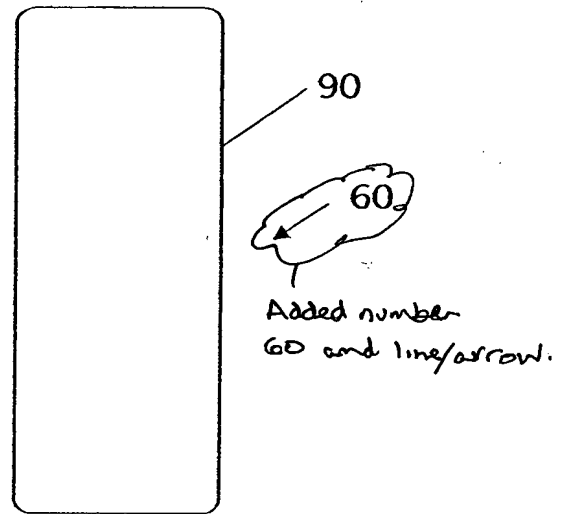
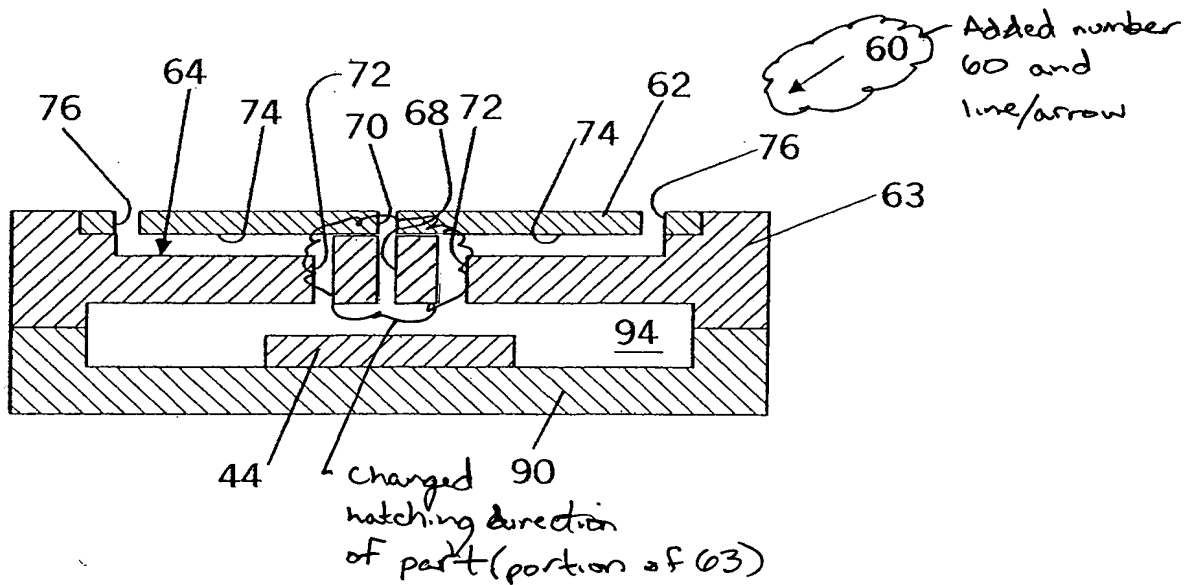


FIG. 8



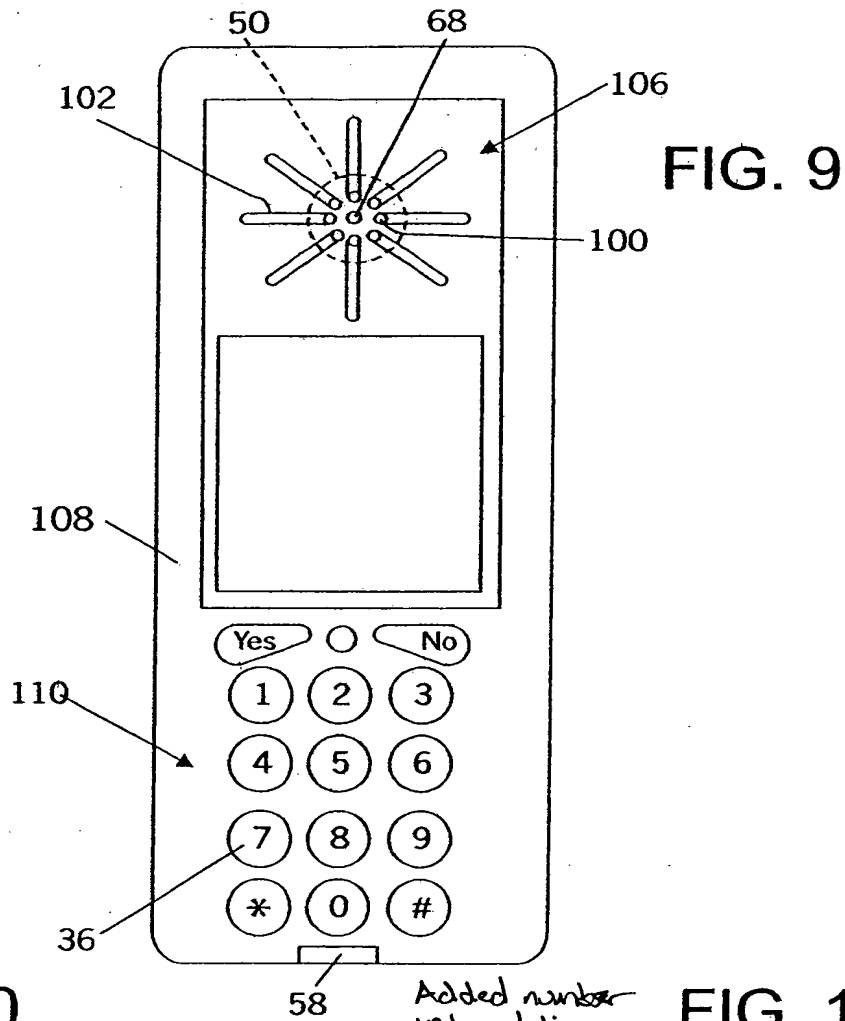


FIG. 9

FIG. 10

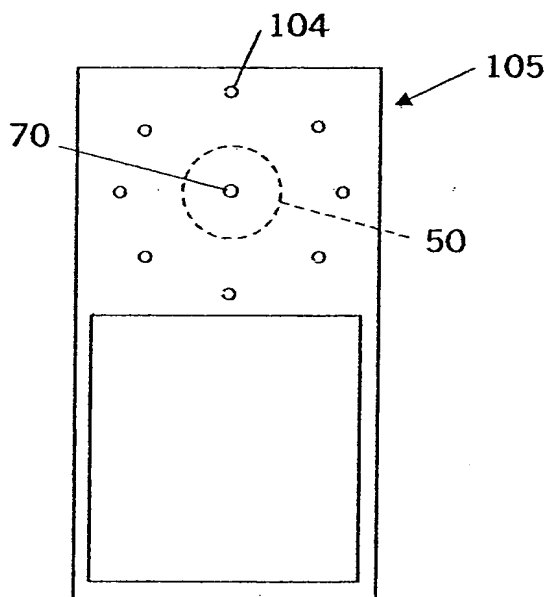


FIG. 11

